

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TATYANA EVGENIEVNA  
DREVALEVA,

No. C 18-03748 WHA

Plaintiff,

v.

U.S. DEPARTMENT OF VETERANS  
AFFAIRS, et al.,

**ORDER RE INDICATIVE RULING  
ON THIRD MOTION TO VACATE  
AND DENYING OTHER  
REQUESTED RELIEF**

Defendants.

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Following judgment for defendants on July 11, 2019, plaintiff Tatyana Drevaleva filed two motions to vacate the judgment. August 5 and September 3, 2019, order denied those motions. Several months later, between late June and early July 2020, Ms. Drevaleva requested leave to submit a third motion to vacate judgment and seek an indicative ruling under Rule 62.1. Though the September 2019 order indicated that “[n]o further filings [would] be entertained in this closed case,” a July 9, 2020, order on the side of lenience and granted Ms. Drevaleva leave to file, reasoning that this would be her final opportunity before Rule 60’s time-bar took effect on July 11, 2020. Ms. Drevaleva filed her motion on July 11 (Dkt. Nos. 155, 171, 193, 258).

A Rule 60(a) motion for relief from judgment is for correction of clerical mistakes in an order. Ms. Drevaleva alleges no such errors in her motion. A Rule 60(b) motion permits relief from a judgment, where “appropriate to accomplish justice,” in cases such as a party’s

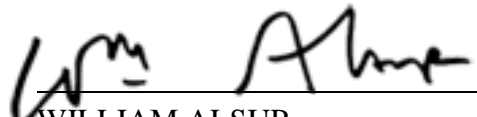
excusable neglect, opposing party's misconduct, discovery of new evidence, lack of subject-matter jurisdiction, or other "extraordinary circumstances." *See Henson v. Fidelity Nat'l Fin., Inc.*, 943 F.3d 434, 443 (9th Cir. 2019). Again, however, Ms. Drevaleva attempts only to relitigate matters previously decided in this case and does not present any new material information. Relief from the July 11, 2019, judgment would be unwarranted. Under Rule 62.1, this order indicates it would **DENY** relief.

In the interim, Ms. Drevaleva has also filed two more motions for relief. In her first, Ms. Drevaleva asks for an order compelling defendants to respond to Ms. Drevaleva's numerous supplemental briefs filed in the last several months. This case was closed July 11, 2019. The September 2019 order forbade further filings. Defendants had no duty to engage in further briefing. Reply briefing on this point would be inappropriate.

Ms. Drevaleva asks, second, for relief from the "no file" restriction imposed by the September 3, 2019, order. This order declines. Ms. Drevaleva has had her day in court. Her appeal pends before our court of appeals. Her three motions to vacate have been heard and addressed. The one year period to file further Rule 60 motions to vacate has passed. No further filings will be entertained in this closed case. Relief is **DENIED**.

**IT IS SO ORDERED.**

Dated: September 2, 2020.

  
 WILLIAM ALSUP  
 UNITED STATES DISTRICT JUDGE